IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14825 of 2004

Between:

Spandana Educational Society (Regd. Educational Society)
D. No. 87/1316, Revenue Colony Kurnool,
rep by its Secretary Y. Chandramouli

..... PETITIONER

AND

1 The Secretary to Government, Health, Medical and Family Welfare, Government of A.P., Secretariat Buildings, Hyderabad
2 The Director of Medical Education/President, A.P. Nursing and Midwifes Council, Sultan Bazar, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not issuing the application form to the petitioner society for starting the B.Sc. Nursing Degree Course (College of Nursing) at Kurnool is illegal, arbitrary, improper and against the principles of natural justice and consequently direct the 2nd respondent to issue application form to the petitioner society for starting the B.Sc. Nursing Degree Course (College of Nursing) at Kurnool after receiving the application fee of Rs. 10,000/-

Counsel for the Petitioner: Mr.VADDIPAMULETY

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMILY WELFARE

The Court made the following ORDER:

The writ petition is filed seeking a *mandamus* declaring the action of the respondents in not issuing the application form to the petitioner-Society for starting the B.Sc. Nursing Degree Course (College of Nursing) at Kurnool is illegal and arbitrary.

The main grievance of the petitioner is that it applied for issuance of an application form for starting B.Sc. Nursing Degree Course (College of Nursing) at Kurnool, but the respondents have not issued any application form.

Heard learned counsel for the petitioner and learned Government Pleader for Medical, Health and Family Welfare.

Unless necessary notification with regard to establishing a college is issued, the question of issuing any application to the petitioner enabling him to establish a college does not arise. If any, such notification is issued, the respondents cannot refuse the request of the petitioner. Since, the affidavit is silent, in the event of issuance of any notification specifying the need of establishing a college, the respondent should consider the request of the petitioner for issuance of an application.

The writ petition is accordingly disposed of with the abovesaid observation.

A.Gopal Reddy, J

Date: 20.08.2004

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To
1 The Secretary to Government, Health, Medical and Family Welfare, Government of A.P., Secretariat Buildings, Hyderabad
2 The Director of Medical Education/President, A.P. Nursing and Midwifes Council, Sultan Bazar, Hyderabad

3 Two CCs to G.P. for Medical, Health and Family Welfare, High Court of A.P. Buildings, Hyderabad(OUT)
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